IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 33682 of 2007(I)

PETITIONER:

K.R.MOHANAN, S/O RAMACHANDRAN,
RESIDING AT KADAMANKOTTIL HOUSE,
KUTHAMPILLY P.O., THIRUVILWAMALA,
THRISSUR-94.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.JIBU P THOMAS
SRI.P.S.APPU

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
THRISSUR.

2. THE THIRUVILWAMALA GRAMA PANCHAYATH,
REPRESENTED BY ITS SPECIAL GRADE SECRETARY,
THIRUVILWAMALA P.O., THRISSUR-94.

3. THE SUB INSPECTOR OF POLICE,
PAZHAYANNUR POLICE STATION THRISSUR DISTRICT.

BY ADV. SRI.BINOY VASUDEVAN
GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33682 of 2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE ORDER ISSUED BY THE FIRST RESPONDENT DATED 12.1.07

EXT.P2- TRUE COPY OF THE PHOTOGRAPH DEPICTING THE ERECTION OF THE CROSS BAR BY THE SECOND RESPONDENT DTED NIL

EXT.P3- TRUE COPY OF THE PHOTOGRAPH DEPICTING THE PARKING OF THREE VEHICLES IN THE MIDDLE OF THE RIVER AT KAYARAMPARA KADAVU AND THE WORKERS BUSY FILING THE SAME WITH SAND DATED NIL

EXT.P4- TRUE COPY OF THE PHOTOGRAPH DEPICTING ONE OF THE VEHICLES BEING SURROUNDED BY IRATE WOMAN FOLK DATED NIL

EXT.P5- TRUE COPY OF THE RESOLUTION WITH A PHOTOGRAPH OF THE CROSS BAR ERECTED FOR THE THIRD TIME DATED 14.8.07

EXT.P6- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT WITH COPY TO RESPONDENTS 2 AND 3 DATED 27.10.07

EXT.P7- TRUE COPY OF THE RECEIPT OF THE REPRESENTATION HAS BEEN ACKNOWLEDGED BY THE THIRD RESPONDENT DATED 2.11.07

(TRUE COPY)

P.A TO JUDGE

ANTONY DOMINIC, J

W.P.(C). 33682/2007

Dated this the 22nd day of November, 2007

JUDGMENT

The prayers made in this writ petition are to direct the Panchayat to re-erect the cross bar at Kayarampara kadavu and to take steps to ensure prevention of demolition of the cross bar.

2. The submission of the petitioner is that at the kadavu, there was a cross bar erected earlier and that because of this, the lorries were prevented from driving straight into the river. It is submitted that the said cross bar has been destroyed and presently lorries are being driven into the kadavu and river sand is being loaded straight into the lorries. This according to the petitioner, should not be allowed.

3. On notice Panchayat has entered appearance. Counsel for the Panchayat would submit that on various occasions, they have erected cross bars but then anti

social elements destroyed it. The , panchayat complains that it was on account of the indifference of the police authorities that the repeated destruction has taken place. There upon learned Government Pleader, who appeared on behalf of the respondents 1 and 3 submits that they too are interested in safeguarding the river bed and preventing the entry of lorries into the bed of the river. Learned Government Pleader offers that the police will extent adequate protection if a new cross bar is erected by the Panchayat.

4. Taking into account the submissions made by all parties, I dispose of this writ petition with the following directions:-

(i). Panchayat shall without delay install a strong cross bar to prevent entry of lorries into the river bed at Kayarampara Kadavu.

(ii). Third respondent, under whose jurisdiction the kadau is situated, shall offer necessary

protection to the cross bar and conduct periodical checking so that the cross bar is not destroyed by the anti social elements.

With the above directions this writ petition is disposed of.

ANTONY DOMINIC
Judge

mrcs